

From: hrobinson@psychedoutroadrally.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:15pm
Subject: Microsoft Settlement

Please reconsider the proposed final judgement with Microsoft, for the following reasons, as stated at <http://www.kegel.com/remedy/letter.html>

The PFJ doesn't take into account Windows-compatible competing operating systems

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines "API" so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines "Microsoft Middleware" so narrowly that the next version of Windows might not be covered at all.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ as currently written lacks an effective enforcement mechanism.

Thank you,
Herb Robinson